

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

BUFFORD WILSON,)
vs.)
Plaintiff,)
OKLAHOMA COUNTY)
COMMISSIONERS, *et al.*,)
Defendants.)
)
) NO. CIV-17-1000-HE
)

ORDER

Plaintiff Bufford Wilson, a state prisoner appearing *pro se* and *in forma pauperis*, filed this action pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights. Consistent with 28 U.S.C. §636(b)(1)(B) and (C), the matter was referred to Magistrate Judge Bernard M. Jones for initial proceedings. He recommended in a Report and Recommendation (“Report”) that motions to dismiss filed by defendants be granted in part and denied in part. Defendants Whetsel and Taylor objected to the Report. Plaintiff did not object.

The record reflects that on March 19, 2018, the Report mailed to plaintiff was returned to the court clerk as being undeliverable.¹ That was more than three months ago and plaintiff has not provided the court with an updated address as required by

¹ *The court notes that plaintiff also has failed to continue to make the monthly payments required by the court’s order dated September 19, 2017, towards payment of the total filing fee of \$350.*

LCvR5.4(a).² Even though he is *pro se*, plaintiff is not excused from complying with both the local court rules and the Federal Rules of Civil Procedure.

The court directed plaintiff to file a change-of-address form with the court by July 13, 2018, or show cause by that date why this action should not be dismissed without prejudice for failure to prosecute. Plaintiff was advised that if he did not comply with the court's order his action could be dismissed.

Plaintiff did not provide the court with a current address or provide a reason why this case should proceed.³ Under these circumstances, the court concludes the action should be dismissed for failure to prosecute and to comply with an order of the court. See Fed.R.Civ.P 41(b).

Accordingly, this action is dismissed without prejudice.

IT IS SO ORDERED

Dated this 16th day of July, 2018.



JOE HEATON
CHIEF U.S. DISTRICT JUDGE

² *The rule provides*

All papers shall contain the name, mailing address, daytime telephone number, fax number, and e-mail address, if any, of the attorney or pro se litigant. If any of this information changes, the attorney or pro se litigant must notify the court by filing the form provided by the clerk and serving a copy on opposing counsel or pro se parties. Papers sent by the court will be deemed delivered if sent to the last known address given to the court.

LCvR5.4(a).

³ *The court's most recent order also was returned as undeliverable. See Doc. #31.*

